

October 25, 2018

Mr. Devin Leary
Human & Rohde, Inc.
512 Virginia Avenue
Towson, Maryland 21286

Re: Lang Property
15701 Home Road
Forest Buffer Variance
DEPS Tracking Number: 03-18-2803

Dear Mr. Leary:

Environmental Impact Review staff has completed an evaluation of a variance application in accordance with Section 33-3-106 of the Forest Buffer Law of the Baltimore County Code, requesting to allow for the continued existing use of a portion of a shared driveway located within the forest buffer. The purpose of the driveway is to access existing residences and a proposed new residence on a lot to be subdivided in the near future. The portion of the driveway and adjacent, mowed maintenance strips within the buffer impacts 15,735 square feet (sf) of the forest buffer. No wetlands or wetland buffers are impacted.

This 58.9-acre property, located in the Sparks section of Baltimore County, was developed in the 1990s, contains an existing residence and is mostly forested. Non-tidal wetlands, associated with a stream and several stream heads and seeps are present. The streams are first order tributaries to Gunpowder Falls (Use III-P). Over a third of the property contains steep slopes greater than or equal to 20%, and greater than half of the property is forested.

Full compliance with the forest buffer regulations would severely limit use of the site and no viable alternative is available. Mitigation for the continued use area includes recordation of a Forest Buffer Easement (FBE) in the Land Records of Baltimore County and posting the FBE with permanent protective signage and below-grade monuments. This would place approximately 19-acres of the property (32%) into a protective easement in perpetuity.

This Department has reviewed your request, and has determined that an unreasonable hardship would exist if the portion of the driveway within the buffer was to be relocated and that the plan shows that the most feasible option, which is for its continued existing use. We also acknowledge that the potential for impacts to water quality can be minimized by performing mitigative measures. Therefore, the variance is hereby approved in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. The following variance note shall appear on all future plans for this project: "A variance was approved by Baltimore County from the Law for the Protection of Water Quality,

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Streams, Wetlands and Floodplains. The location of the portion of the driveway and adjacent, mowed maintenance strips within the forest buffer is reflective of the fact that the variance was approved. Conditions were placed on this variance to reduce water quality impacts.”

2. A Forest Buffer Protection Plan (FBPP) must be reviewed and approved prior to grading plan approval. The FBPP shall include a detail and locations of forest buffer, permanent protective signage and monuments, and the variance note, above.
3. Prior to the issuance of any permits, the Forest Buffer Easement, and the associated declaration of protective covenants, must be recorded in the Land Records of Baltimore County.
4. Prior to the issuance of any permits, permanent, protective forest buffer signage must be posted on site, as specified on the approved FBPP.

It is the intent of this Department to approve the variance request subject to the above conditions. Any change to site layout may require submittal of revised plans and an amended variance request.

Please have all property owners the statement below and return the signed copy to this office within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in processing of plans for this project.

Should you have any questions regarding this correspondence, please contact Thomas Panzarella at (410) 887-3980.

Sincerely yours,

David V. Lykens
Deputy Director

DVL: tcp

I/We agree to the above conditions to bring my/our property into compliance with the Baltimore County Code, Article 33, Title 3: Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owner

Date

Property Owner

Date

Printed Name

Printed Name

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